

FIFTH DAY

(Thursday, November 21, 1957)

The Senate met at 10:00 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Martin
Ashley	Moffett
Bracewell	Moore
Bradshaw	Owen
Colson	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Kazen	Smith
Krueger	Weinert
Lane	Willis
Lock	Wood

Absent—Excused

Hudson

A quorum was announced present.

Rev. W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Reports of Standing Committees

Senator Lane submitted the following report:

Austin, Texas,
November 21, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 10, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Senator Weinert submitted the following reports:

Austin, Texas,
November 21, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Juris-

prudence, to whom was referred S. C. R. No. 7, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,
November 21, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to whom was referred S. C. R. No. 6, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,
November 21, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to whom was referred S. C. R. No. 5, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,
November 21, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to whom was referred S. C. R. No. 1, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,
November 21, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to whom was referred S. C. R. No. 4, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
November 21, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 9, Congratulating the members and supporters of the Mackenzie Trail Memorial Association.

H. B. No. 7, A bill to be entitled "An Act providing that the Commissioners Court of any county having a population of more than sixty thousand (60,000) and not more than six hundred thousand (600,000), by the last preceding Federal Census may set aside from the general fund amounts not to exceed one hundred dollars (\$100) for any one collecting office of the county to be used in making change; providing that the bonds of each and every public official shall cover his responsibilities for the correct accounting and disposition of said change funds; making it unlawful to use such change funds for making loans or advance or for cashing checks or warrants of any kind; providing that the Commissioners Court may recall change funds at any time; repealing all laws and parts of laws in this State in conflict with the Act to the extent of such conflict only; and declaring an emergency."

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Senate Bill on First Reading

The following bill was introduced, read first time and referred to the committee indicated:

By Senator Bradshaw:

S. B. No. 22, A bill to be entitled "An Act providing for the construction of dams and reservoirs on private property without a permit from any State agency; authorizing the storage of water behind such dams and in such reservoirs and the use of such water without a permit from any State agency; providing that no presentation or application for permit now pending before the Board of Water Engineers and no litigation now pending shall be affected by this Act; re-

pealing all laws and parts of laws in conflict with this Act; and declaring an emergency."

To the Committee on Water and Conservation.

Senate Concurrent Resolution 8

Senator Moffett offered the following resolution:

S. C. R. No. 8, Relating to laying of cornerstone of the Supreme Court Building.

Whereas, Construction of the new Texas Supreme Court Building has reached the stage where it is appropriate to lay the cornerstone of said building; and

Whereas, The State Building Commission, the official agency in charge of construction of said building, is making arrangements for suitable ceremonies in connection with the laying of the cornerstone of this building at 11:00 A.M. on December 2nd, 1957; and

Whereas, Other arrangements are being made for the proper observance of this important occasion; and

Whereas, The funds for the construction of this building were derived from a surplus which had accrued in the Confederate Pension Fund; and

Whereas, In view of the source of said funds, this Supreme Court Building is ultimately to be dedicated to the memory of those Texans who served in the Armed Forces of the Confederate States of America; and

Whereas, It is deemed proper by the State Building Commission and others who have been consulted in the matter, that because of the cherished memories of those Texans who served in said Armed Forces of the Confederate States, that the United Daughters of the Confederacy be invited to provide a list of their membership to be placed in the cornerstone of this building; and

Whereas, It is thought proper to invite other patriotic organizations, who care to do so, to also provide rosters of their membership for placement in the cornerstone of said building; and

Whereas, It is desirable to properly emphasize the importance of the improved facilities that will be provided for the Courts and the Attorney General's Department through the use and occupancy of this new structure with its latest and most modern office con-

veniences and equipment which will relieve these officials of the heavy burden heretofore imposed on them by crowded and widely separated housing; and

Whereas, This new building will provide a proper setting of dignity for the important function of the administration of justice in the State of Texas; now, therefore, be it

Resolved, by the Senate of the Second Called Session of the Texas Legislature, the House of Representatives concurring, That all public officials in Texas, including members of the State Bar, are invited to be present on the occasion of the laying of the cornerstone of the new Supreme Court Building at the above mentioned time; and be it further

Resolved, That an invitation is hereby extended to all the citizens of Texas, who care to do so, to be present on the occasion of the cornerstone laying ceremonies of this new and outstanding edifice; and be it further

Resolved, That copies of this resolution be furnished to the press in order that suitable information regarding this important event may receive the widest possible publicity.

The resolution was read.

On motion of Senator Moffett and by unanimous consent the resolution was considered immediately and was adopted.

Senate Resolution 22

Senator Bradshaw offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate Government students of North Texas State College, accompanied by their teacher, Hon. R. L. "Bob" Proffer; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn at firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Bradshaw by unanimous consent presented the students and former Senator R. L. Proffer to the Members of the Senate.

Senate Concurrent Resolution 9

Senator Bracewell offered the following resolution:

S. C. R. No. 9, Relating to Farm-City Week in Texas.

Whereas, The Governor of the State of Texas has proclaimed the week of November 22nd through November 28th as Farm-City Week in this State in keeping with such observance throughout the United States and Canada; and

Whereas, Texas has been traditionally a great agricultural State wherein farming and the sale of farm products has been and is now vital to the economic life of our people; and

Whereas, Texas has likewise developed industrially and there have arisen great metropolitan areas which also contribute to the economy and well-being of our people; and

Whereas, The continued growth and development of Texas depends upon close relationship and understanding between rural and urban citizens in order that these two basic elements of our society and economy may work together as a team toward the continued progress of the people of our State; now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That Farm-City Week be recognized as most significant in directing the attention of the citizenry of our State to the importance of mutual understanding and cooperation in strengthening the bonds between the rural areas and the great cities of our State; and, be it further

Resolved, That Kiwanis International and others cooperating in this worthwhile observance be commended for their efforts in sponsoring Farm-City Week throughout the United States and Canada; and, be it further

Resolved, That all citizens of Texas be encouraged to participate to the fullest in the activities to a successful and fruitful Farm-City Week in Texas.

BRACEWELL
MOFFETT

The resolution was read.

On motion of Senator Bracewell and by unanimous consent the resolution was considered immediately and was adopted.

Senate Concurrent Resolution 10

Senator Gonzalez offered the following resolution:

S. C. R. No. 10, Designating September sixteenth as a State Holiday.

Whereas, Texas has always recognized and marked certain momentous and historical dates because of their significance to Texas liberty and democracy; and

Whereas, One of the most significant dates in Texas history marking the removal of the last vestige of European yoke on the American continent is September 16, 1810; and

Whereas, This date of September 16th is not now recognized officially as a Texas holiday; and

Whereas, It behooves us to correct this grievous fault; now, therefore, be it

Resolved, by the Senate of the State of Texas, the House of Representatives concurring, That September 16th shall be designated as an official state holiday.

The resolution was read.

Senator Gonzalez asked unanimous consent to consider the resolution immediately.

There was objection.

Senator Gonzalez then moved to suspend the regular order of business and take up S. C. R. No. 10 for consideration at this time.

The motion was lost by the following vote:

Yeas—4

Gonzalez	Kazen
Hardeman	Reagan

Nays—21

Aikin	Martin
Ashley	Moffett
Bracewell	Parkhouse
Bradshaw	Phillips
Colson	Ratliff
Herring	Roberts
Krueger	Rogers
Lane	Secrest
Lock	Smith

Weinert	Wood
Willis	

Absent

Fly	Moore
Fuller	Owen
Hazlewood	

Absent—Excused

Hudson

The resolution was then referred to the Committee on State Affairs.

Committee Report on Senate Bill 20 Withdrawn

On motion of Senator Phillips and by unanimous consent the Report of the Committee on Counties, Cities and Towns on S. B. No. 20 filed on yesterday was withdrawn.

Report of Standing Committee

Senator Weinert by unanimous consent submitted the following report:

Austin, Texas,
November 21, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to whom was referred S. B. No. 20, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Senate Bill 20 Ordered Not Printed

On motion of Senator Phillips and by unanimous consent S. B. No. 20 was ordered not printed.

Senate Bill 17 Referred

The President announced that S. B. No. 17, which was introduced and read first time on yesterday, would be referred to the Committee on Water and Conservation.

Senate Concurrent Resolution 11

Senator Martin offered the following resolution:

S. C. R. No. 11, Memorializing Congress and President Eisenhower relative to suit filed against Texas' Tidelands.

Whereas, After declaring and winning its independence from Mexico

in 1836, the Republic of Texas, by Act of the First Congress, established its national boundaries three marine leagues from land in the Gulf of Mexico; and

Whereas, In 1837, the United States of America, with full knowledge of said declared boundaries, recognized the independence of Texas and, in President Andrew Jackson's language, recognized "the title of Texas to the territory she claims"; and

Whereas, With its own Navy the Republic of Texas maintained and defended the three marine league boundary in the Gulf of Mexico during the entire nine years period of its existence as an independent nation; and

Whereas, During annexation negotiations President James K. Polk in 1845 promised: "Of course I would maintain the Texian title to the extent she claims it to be . . ."; and

Whereas, The international agreement of annexation between the United States and Texas recognized and embraced the said boundaries of the Republic and reserved all lands within its limits to the State of Texas; and

Whereas, By the Treaty of Guadalupe Hidalgo of 1848, ending the War with Mexico, said three marine league boundary of Texas was accepted and recognized in fixing the international boundary between the United States and Mexico, and the extent of said boundary has not been questioned or challenged for over a century; and

Whereas, Without challenging the boundary, Federal officials in 1948 asserted title and sued for the land when it appeared that the subsoil and sea bed might contain valuable minerals; and

Whereas, In the Presidential campaign of 1952, Dwight D. Eisenhower vigorously challenged the propriety of federal seizure of said submerged lands and denounced it as a "growing tendency toward aggrandizement of the Federal Government"; and

Whereas, In said campaign, Dwight D. Eisenhower defended as sacred and inviolate the solemn treaty rights of the State of Texas, and advocated the recognition of the rights of Texas specifically to "the submerged area extending three marine leagues into the Gulf of Mexico"; and

Whereas, After taking office as President of the United States, Pres-

ident Eisenhower supported legislation specifically designed to restore the Texas title out to the three marine league boundary of the Republic of Texas at the time it became a State; and

Whereas, Said legislation was passed, signed by the President, and became the law in the Submerged Lands Act of 1953; and

Whereas, In the course of the enactment of said measure, it was conceded by opponents and proponents alike, including President Eisenhower, the Attorney General, and the Secretary of the Interior that the restoration of land in the case of Texas would extend under the Act to the historic boundary of three marine leagues from shore; and

Whereas, The people of Texas have understood, assumed and believed that the administration of President Eisenhower and the Congress in 1953 had carried out the dramatic and resolute defense of the solemn rights of Texas in the tidelands; and

Whereas, The officials of the State of Texas, including the School Land Board, have continued to exercise their rights first asserted in 1836, over said submerged areas and have derived for the Public School Fund substantial sums from oil, gas and other mineral leases; and

Whereas, On November 7, 1957, the Solicitor General, the legal representative of the President of the United States, filed an action against the State of Texas in the United States Supreme Court, alleging in part as follows:

"When the State of Texas became a member of the Union, its boundary did not extend into the Gulf of Mexico more than three geographic miles from the ordinary low-water mark or from the outer limit of inland waters, and the Congress of the United States has never approved a boundary for said State extending into the Gulf of Mexico more than three geographic miles from the ordinary low-water mark or from the outer limit of inland waters." and

Whereas, In said action the United States Government seeks to recover from the State of Texas an accounting for all sums of money derived by the State of Texas from said submerged areas after June 5, 1950; now, therefore, be it

Resolved by the Legislature of the State of Texas:

I.

That the people of this State are shocked, surprised, and disillusioned over the institution of the action against Texas by the Solicitor General of the United States, an official appointed by and responsible to the Chief Executive, President Eisenhower.

II.

That the great personal integrity of President Eisenhower and his continued expressions of adherence to the solemn contracts, agreements and treaties relating to the Texas land and boundary should be reflected rather than repudiated in the pleadings and briefs filed by the Attorney General and the Solicitor General in the Supreme Court.

III.

The challenge of the Texas three league boundary is hereby protested as a repudiation by an agency of the Eisenhower administration of solemn treaty obligations of the United States of America; a repudiation of the solemn promises of President Eisenhower; and a repudiation of the obvious intent and purpose of the Submerged Lands Act of 1953.

IV.

We deplore in stunned bewilderment the bizarre travesty on government by coordinate branches implicit in the sequence of events culminating in the Solicitor General's action, namely,

- (a) Executive advocacy of the tidelands legislation;
- (b) Enactment thereof by the Legislative branch; and
- (c) Executive challenge thereof in the Judicial branch.

V.

That in order to reconcile the action of the Solicitor General, with the lofty ideals as to the sanctity of treaties which our nation espouses in the councils of the Free World, President Eisenhower is hereby respectfully petitioned to direct the Solicitor General not to take any position against Texas which would challenge the validity of our historic three league boundary or our rights to the submerged lands and resources within its limits.

VI.

That a copy of this resolution be forwarded by personal cover to the

President of the United States and to each member of the Texas delegation in the Congress of the United States.

The resolution was read and was referred to the Committee on State Affairs.

Senate Concurrent Resolution 12

Senator Willis offered the following resolution:

S. C. R. No. 12, Requesting Texas Highway Department to provide certain freeway in Fort Worth.

Whereas, The east side of the City of Fort Worth is seriously handicapped by inadequate streets over which the traffic volume to and from the downtown area continues to grow worse; and

Whereas, The resulting traffic congestion on these streets has become an economic as well as a transportation problem; and

Whereas, The total cost of this traffic congestion runs into hundreds of thousands of dollars annually because traffic delays mean higher automobile operating costs to the motorist, merchants suffer from loss of trade, industry experiences delays in production schedules and increased productive costs; and

Whereas, In addition there is the immeasurable cost in life and limb due to accidents caused in part by inadequate traffic arteries; and

Whereas, Controlled access freeways adequately serve or are planned for other areas of the City of Fort Worth; and

Whereas, A controlled access freeway from downtown Fort Worth to serve Poly, Meadowbrook, Handley and Arlington would not only materially aid traffic safety but would alleviate the acute traffic problem that presently exists and would serve more than a hundred thousand people; so therefore, be it

Resolved, by the Senate of the State of Texas, the House of Representatives concurring, That the Texas Highway Department be requested to include in any permanent highway program a direct freeway from downtown Fort Worth to serve Poly, Meadowbrook, Handley and Arlington.

The resolution was read and was referred to the Committee on State Affairs.

Senate Bills on First Reading

The following bills were introduced, read first time and referred to the committees indicated:

By Senator Lock:

S. B. No. 23, A bill to be entitled "An Act amending Article 2786, Revised Civil Statutes of Texas, 1925, as amended, by deleting the requirement that schoolhouse bonds shall mature in not more than twenty (20) years from their date when schoolhouses are built of wood; and declaring an emergency."

To the Committee on State Affairs.

By Senators Martin and Secrest:

S. B. No. 24, A bill to be entitled "An Act amending House Bill 133, Acts of the 55th Legislature, Regular Session, being Chapter 385 of the General Laws, as it pertains to the Court of Civil Appeals, Tenth Supreme Judicial District at Waco, Texas, to transfer certain library funds therein appropriated to supplement certain salary items in said appropriation; providing that this Act shall in no way constitute an appropriation of State Funds in addition to funds already appropriated; providing a severability clause; and declaring an emergency."

To the Committee on Finance.

Report of Standing Committee

Senator Parkhouse by unanimous consent submitted the following report:

Austin, Texas,
November 21, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred S. B. No. 17, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

PARKHOUSE, Chairman.

Senate Bill 17 Ordered Not Printed

On motion of Senator Roberts and by unanimous consent S. B. No. 17 was ordered not printed.

Senate Resolution 24

Senator Bradshaw offered the following resolution:

Whereas, November 24, 1957, marks

a notable milestone in the life of Mr. and Mrs. Morton Wood, a highly respected pioneer couple, of Woodlawn, Illinois, relatives of our colleague, Senator Bill Wood; and

Whereas, This couple is recognized as one of the truly deserving couples of Illinois. Mr. Wood and his good wife have walked together down life's pathway for half a century; and

Whereas, Mr. and Mrs. Wood will celebrate their Golden Wedding Anniversary in their home with their family and a host of friends on Sunday, November 24, 1957; and it is the desire of the Senate of the State of Texas to extend its best wishes to Mr. and Mrs. Wood and to congratulate them on this happy occasion; now, therefore, be it

Resolved, That copies of this resolution be mailed to them in remembrance of this happy occasion.

The resolution was read and was adopted.

Senate Resolution 25

Senator Colson offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate, 30 members of the Students Teacher Organization of the Sam Houston State Teachers College at Huntsville, Texas, accompanied by their sponsors, the Hon. M. B. Etheredge, former Member of the Texas Legislature; Mr. Keith Turkett and Vincent Sternetzly, all three of whom are members of the Sam Houston faculty; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn at firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; that they be granted the privileges of the floor for the day; and that a copy of this resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Colson by unanimous consent presented the students and sponsors to the Members of the Senate.

Message from the House

Hall of the House of Representatives,

Austin, Texas,
November 21, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. B. No. 3, A bill to be entitled "An Act constituting a local law for the further maintenance of public highways by authorizing the Commissioners' Court of Dallas County to expend proceeds of bonds heretofore and hereafter voted by Road District No. 1 of Dallas County for the purpose of providing for drainage of State highway rights-of-way and adjacent lands where such drainage is made necessary by the construction, widening or improvement of such highways; enacting other provisions relating to the subject; and declaring an emergency."

S. C. R. No. 8, Relating to laying of cornerstone of the Supreme Court Building.

S. C. R. No. 9, Recognizing Farm-City Week from November 22-28, 1957.

H. C. R. No. 1, Allowing applicants for and recipients of aid to the needy blind or old age assistance to possess as much as Five Hundred Dollars (\$500) in cash moneys, . . . etc.

S. C. R. No. 2, Requesting approval by federal officials of a crude oil pipeline from Texas to the West Coast.

S. B. No. 12, A bill to be entitled "An Act relating to the appointment, qualification, duties and compensation of Official Shorthand Reporters of the Tenth, Fifty-sixth and One Hundred Twenty-second Judicial Districts of Texas; amending Acts of the 55th Legislature, Regular Session, 1957, Chapter 350; and declaring an emergency."

S. B. No. 13, A bill to be entitled "An Act making it unlawful for any person to make use of a dog or dogs in the hunting, pursuing, or taking of any deer in the South and West portion of Shelby County, Texas, at any time; providing penalties for violation of this Act; and declaring an emergency."

H. C. R. No. 15, Respectfully petitioning President Eisenhower as to the tidelands.

H. B. No. 17, An Act amending Chapter 412, Acts of the Fifty-third Legislature, Regular Session, 1953, as amended by Chapter 193, Acts of the Fifty-fourth Legislature, Regular Session, 1955, so as to provide certain changes in the number of directors to be appointed from the City of Tyler in the event said city shall be annexed to the District; so as to limit the amount and purpose of bonds which may be issued by the District supported wholly or partially by taxation but only in the event the City of Tyler shall be annexed to the District; so as to provide a proper classification in elections for annexations of territory where no debt or other obligation is presented for assumption at such election; so as to require elections for annexations and debt assumption only in the territory to be annexed and the procedures therefor; repealing conflicting laws to the extent of such conflict; enacting such other provisions as are incident and relate to the purposes named; providing a savings clause; and declaring an emergency.

H. C. R. No. 17, Congratulating the citizens of Denton, Texas, and the surrounding area upon their support of the Denton State School.

H. B. No. 14, Canceling and removing any restriction on use and relinquishing any future right of reversion which the State of Texas may hold on certain property heretofore granted and patented to the City of Austin, and conveying to the Austin Independent School District all right, title and interest of the State in and to such property, such cancellation, relinquishment and conveyance to be subject to a stated condition; and declaring an emergency.

H. C. R. No. 5, Petitioning the United States Congress to call a National Convention for the purpose of drafting an amendment to the United States Constitution.

H. C. R. No. 13, Granting permission to D. P. Scritchfield to sue the State of Texas.

H. C. R. No. 14, Granting permission to L. A. Norris to sue the State of Texas.